GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ENDOWMENTS DEPARTMENT – The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Tribunal Rules, 2009 – Amendment – Final Notification – Orders - Issued.

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under Section 83 or any provision of the Act dealing with endowment institutions properties or under relevant Rules or under these Rules, as the case may be.

(b) Any person having interest supporting the cause of the Endowment Institution may directly submit a report under Section 83 or any provision of the Act dealing with endowment institutions properties or under relevant Rules or under these Rules, as the case may be. The Trustee or Executive Authority and the Assistant Commissioner of Endowments of the district concerned must be made co-respondents to the application either to oppose or suppose or transpose even as co-applicants.

3. In Sub-Rule (3) of Rule 2, the entire Sub-Rule (3) shall be substituted as follows :

(3)"Chairman" means a Judicial Officer appointed by the Government, who is strictly a Hindu, not below the rank of serving District Judge or a retired High Court Judge and presiding over the Tribunal.

4. In Sub-Rule (5) of Rule 2, the entire Sub-Rule (5) shall be **substituted** as follows :

(5) "Member" means a person who is strictly a Hindu and who have earlier worked in Endowments Department as Commissioner or Secretary or as Executive Officer or Joint Executive Officer in Tirumala Tirupati Devasthanams or a retired or a serving Additional Commissioner and appointed as such by the Government.

5. In Rule 3 of the said Rules, the word "**Hyderabad**" shall be **substituted** as "**Amaravati / Vijayawada**"

6. In Sub Rule (1) of Rule 22 of the said Rules, immediately after the words "**shall pronounce orders**", the following words shall be **inserted**:
"Which includes decree to be passed".

7. Sub-Rule (2) of Rule 22 of the said Rules shall be **substituted** as follows:

(2) (a) Both the Chairman and the member should hear the arguments in the application and deliver the order signed by both of them or independently.

(b) In case of disagreement, the decision of Chairman will prevail. In all such cases, an appeal lies to the High Court within 30 days from the date of the order.

8. Immediately after Sub Rule (2) of Rule 22 of the said Rules, the following Sub Rule (3) shall be **added** namely:

(3) Not withstanding anything in these Rules,

(i) Whenever there is a vacancy of Chairman, the existing member will act as Chairman and competent to hear the arguments in the application and pass the appropriate orders including the decree as described in the Act and relevant Rules.

…3.

(ii) Whenever there is a vacancy of Member, the existing Chairman is competent to hear the arguments in the application and pass the appropriate orders including the decree as described in the Act and relevant Rules.

(iii) unless a vacancy exists, all the final orders including decrees shall be passed jointly by bench. However, for admissions, interlocutory applications, recording of evidence, the matters may be heard individually also.

(iv) subject to (iii) above, either by bench or singly, the Tribunal may hear the applications and pass orders, either at principal seat or at camp or circuit stations.

(v) the Chairman is competent to adopt other best procedures to meet the new situations or occasions or challenges not mentioned in these Special Rules by circulars and have the power to remove difficulties for the smooth functioning of the Tribunal. Such circular orders issued are having statutory force and enforceable as per Rule 26.

(vi) the Tribunal shall not be bound by the procedure laid down in code of Civil Procedure or Code of Criminal Procedure, but shall be guided by the principles of natural justice and specific procedure prescribed in the relevant Rules for the items not covered in these Rules.

9. (1) In Rule 26, the existing Rule shall be **numbered** as sub-rule (a).

10. After sub-rule (a) of Rule 26 of the said Rules, the following new sub-rule (b) shall be **added**:-

(b) Notwithstanding anything in these Rules and in any other Rules -

(i) the Endowments Tribunal is having jurisdiction to pass any interim or final order, order for eviction, mesne profits, damages, monthly or yearly, liquidated or unliquidated, arrears of rent or fee, attachment, appointment of a receiver, Commissioner or order of injunction, direct any person or authority to comply with it's orders and further competent to pass such other order or orders, as the case may be, to meet the ends of Justice. The reliefs ordered may either be independent or joint depending upon circumstances of each application.

Further, in exceptional circumstances, the Endowments Tribunal can even take cognizance of any matter for the protection of endowment institution properties, cause enquiries and pass appropriate orders.

(ii) who ever fails or omits to comply with any order made by the Endowments Tribunal, such person or authority shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to two years, or with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees, or with both.

Subject to above, any violation or non compliance of any

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interim order or direction results in striking out the claim or defence of the person or persons concerned.

(iii) the Endowments Tribunal may transfer the decree for its execution to the concerned subordinate judge's / Senior Civil Judge's Court for execution in case of order and decree of civil nature and may transfer the order for execution to the concerned

Judicial Magistrate of First Class if the order pertains to an offence punishable with imprisonment or fine or both, for its enforcement, recovery and the like.

(iv) the Endowments Tribunal shall have the power of a Judicial Magistrate of the First Class for the trial of offences under this Act and shall be deemed to be a Judicial Magistrate of the First Class for the purposes of the Code of Criminal Procedure, 1973.

(v) the order of the Endowments Tribunal passed under Section 83 is final unless a revision is maintained before the High Court within thirty days from the date of the order.

11. In Rule 27 of the said Rules, immediately the words **Andhra Pradesh Public Service Commissioner,** the following words shall be **inserted,** namely –
or the Executive Committee i.e., official members of Andhra Pradesh Dharmika Parishad

12. In Rule 27 of the said Rules, immediately after the body, the following proviso shall be **added** to Rule 27 as follows, namely –

Provided all the staff members working in the Endowments Tribunal shall be Hindus only.

13. Immediately after Rule 28, the following new Rule shall be **added** as Rule 29 namely:-
29. <u>Age, tenure and emoluments in certain cases</u> :-

(1) Whenever a retired judicial member is appointed as Chairman of the Tribunal, he shall hold office for a period of three years from the date of taking charge of the office or till completion of sixty five years whichever is earlier.

(2) Whenever a retired qualified person is appointed as member, he shall hold office for a period of three years from the date of taking charge of the office or till completion of sixty five years whichever is earlier.

(3) The remuneration and other emoluments of the above persons will be decided by the Government from time to time.

14. Immediately after Rule 29, the following new Rule shall be **added** as Rule 30 namely:
30. <u>General Superintendence of the High Court</u> : -

(1) The Tribunal shall function under the supervision of the High Court. The Tribunal shall achieved the targets in disposal of cases as fixed by the High Court.

(2) The Chairman cause submit quarterly reports to the High Court periodically, addressing the Registrar concerned, within fifteen days from the end of each quarter, on the filing, pendency, orders passed, both interim and final, fines imposed, action suggested or taken against erring officials, all section wise, circuit or camp stations conducted and the output therein and other important administrative matters describing reasons in brief there for, duly marking a copy to the Principal Secretary, Revenue (Endowments) in the Government.

15. Immediately after Rule 30, the following new Rule 31 shall be **added** namely:

31. <u>Residue</u> :

(1) The Tribunal shall put every effort to dispose the interim applications within 30 days and pass final orders including decree within six months from date of filing in a summary manner.

(2) The Tribunal shall compulsorily maintain vacation sitting during long holidays on the lines of High Court.

(3) The Tribunal shall put every effort to maintain circuit or camp stations working at least three working days in a month for speedy disposal of the applications.

(4) If any of these Rules, if lying inconsistent with the provisions of the Act, being amended from time to time, will not over ride but will only be supplemental to the Act. For that purpose, the Rule shall be ignored as if non est to that extent.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.S.V.PRASAD,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Commissioner, Endowments Department, Andhra Pradesh, Hyderabad
The Commissioner, Printing, Stationary and Stores Purchase, Hyderabad (For Publishing the notification in the next issue of Andhra Pradesh,Gazette. He is requested to supply 50 copies to Government and 50 copies to the Commissioner, Endowments, Andhra Pradesh,Hyderabad).

Copy to:
The P.S. to Minister (Endowments).
The Revenue (Endts.II, III) Department.
SF/SC…

//FORWARDED:: BY ORDER//

SECTION OFFICER